IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1081 OF 2006
IN
CRIMINAL APPEAL NO. 421 OF 2002

Balkrishna Ambo Gulve ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

...

Mr.R.D.Suryawanshi Advocate for Applicant
Ms.P.H.Kantharia A.P.P. for the State
Mr.R.S.Kate Advocate for Respondent No.2

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : DECEMBER 3, 2007**

**P.C.**

1. Heard the learned advocate for the applicant-original accused, the learned advocate for the Respondent no.2-original complainant and the learned A.P.P. for the State.

2. The applicant came to be convicted under Sections 354 and 323 of IPC on the complaint made by his aunt, who is respondent no.2. For the offence under Section 354 of IPC, he is sentenced to imprisonment for a period of three months. For the offence under section 323 of IPC, he is

sentenced to imprisonment for six months. Both the offences are compoundable in nature.

3. The learned advocate for the Respondent no.2-complainant has stated that both the applicant and respondent no.2-complainant being closely related, they have amicably settled the disputes among themselves and the complainant does not wish to pursue with the matter. The complainant has filed affidavit before this Court wherein she has prayed that both the offences be compounded. Reliance is placed on the decision of the Supreme Court in the case of **Mahesh Chand V. State of Rajasthan, reported in AIR 1988 S.C. 2111,** wherein permission was granted by the Supreme Court for compounding of an offence under Section 307 of IPC. It was submitted that offence under Section 307 of IPC is not compoundable offence, yet permission was granted by the Supreme Court to compound the said offence. It was further submitted that in the present case, both the offences i.e. offence under sections 354 and 323 of IPC are compoundable in nature. Hence, both sides have prayed that they may be permitted to compound the said offences.

4. Looking to the facts and circumstances of this case and looking to the fact that accused and complainant are closely related and they are neighbours and residing in the same locality, to enable both the parties to reside happily and live without any disputes or any differences, the parties are allowed to compound the offences under Sections 354 and 323 of IPC. Hence, Criminal Application is allowed in terms of prayer clause (a) viz:-

. "(a) to grant permission to the applicant and Respondent No.2 to compound the offence punishable under sections 354 and 323 of the IPC and quash and set aside the conviction and sentence dated 27.3.2002 recorded by the learned Ad-hoc Addl. Sessions Judge, Thane in Sessions Case No. 361 of 2000."

5. Application is disposed of accordingly.

[SMT.V.K.TAHILRAMANI, J.]